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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 15944/2004 and CM APPL. Nos. 11680/2004, 4646/2005 and 9289/2005

INDRAJIT DEB .....Petitioner
Through: Mr. Kedar Nath, Advocate.

versus

UOI & ORS. .....Respondents
Through: Mr. Rajesh Gogna, CGSC with Ms. Priya Singh and Mr. Nishant Sharma, Advocates.
Mr. Ruchir Mishra, Mr. Mukesh Kr. Tiwari and Ms. Reba Jena Mishra, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 13.09.2024

1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India *inter alia* seeking quashing of various orders passed by Mr. Y.P. Rai, the Inquiry Officer during the pendency of the inquiry proceedings initiated pursuant to charge sheet dated 15.01.2004.

2. It is not disputed that during the pendency of this writ petition, disciplinary inquiry was concluded and culminated into a penalty of recovery of an amount of Rs.3,19,520/- from the Gratuity of the Petitioner vide order dated 15.12.2011.

3. Since there is no challenge to the penalty order in the present writ petition and imposition of penalty is a development subsequent to the filing

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of the writ petition, learned counsel for the Petitioner, on instructions, seeks to withdraw this petition with liberty to file fresh petition challenging the inquiry report and the penalty order in addition to the contentions raised in the writ petition with respect to the charge sheet and proceedings before the Inquiry Officer. Learned counsel, however, submits that copy of the inquiry report be furnished to the Petitioner to enable him to lay an effective challenge since the same has not been provided to him till date. Mr.Gogna, learned counsel appearing on behalf of the Respondents refutes the submission and states that inquiry report has been furnished to the Petitioner.

4. Without entering into and expressing any opinion on the merits of the case, this writ petition is disposed of as withdrawn, permitting the Petitioner to file a fresh writ petition challenging the inquiry report and the penalty order including a challenge to the charge sheet and orders of the Inquiry Officer raised in the present petition. It is made clear that all rights, contentions and objections raised by both the parties in the present petition are left open.

5. Pending applications also stand disposed of.

JYOTI SINGH, J

SEPTEMBER 13, 2024/*jg/shivam*

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